

# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/652,607	08/30/2000		Margaret Gwyn Latimer	14377.1	3027	
23556	7590	10/27/2003		EXAM	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET				PRATT, CHR	ISTOPHER C	
NEENAH, WI 54956			ART UNIT	PAPER NUMBER		
,			·	1771		

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

a) · · · · · · · · · · · · · · · · · · ·		
	Application No.	Applicant(s)
Office Action Commence	09/652,607	LATIMER ET AL.
Office Action Summary	Examiner	Art Unit
The MAN INC DATE of this assessment of	Christopher C Pratt	1771
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period to Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
1) Responsive to communication(s) filed on 26.	<u>lune 2003</u> .	
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ Th	is action is non-final.	
3) Since this application is in condition for allows closed in accordance with the practice under Disposition of Claims		
4)⊠ Claim(s) <u>13-29</u> is/are pending in the application	on.	
4a) Of the above claim(s) is/are withdraw		
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>13-29</u> is/are rejected.	•	
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/o	r election requirement.	
Application Papers		
9) The specification is objected to by the Examine		
10)☐ The drawing(s) filed on is/are: a)☐ accept	•	
Applicant may not request that any objection to the		
11) The proposed drawing correction filed on		oved by the Examiner.
If approved, corrected drawings are required in replaced in the second s	•	
,—	annici.	
Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign	a priority updor 35 LLS C & 110/a	\ (d\ or (f)
a) All b) Some * c) None of:	r priority under 35 0.5.0. § 119(a	)-(u) or (i).
1. Certified copies of the priority document	s have been received	
2. Certified copies of the priority document		on No
3. ☐ Copies of the certified copies of the prior		
application from the International Bu * See the attached detailed Office action for a list	reau (PCT Rule 17.2(a)).	•
14) Acknowledgment is made of a claim for domesti	c priority under 35 U.S.C. § 119(	e) (to a provisional application).
<ul> <li>a) ☐ The translation of the foreign language pro</li> <li>15)☒ Acknowledgment is made of a claim for domest</li> </ul>	• •	
Attachment(s)		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal I	(PTO-413) Paper No(s) Patent Application (PTO-152)

Application/Control Number: 09/652,607 Page 2

Art Unit: 1771

#### Response to Arguments

1. In view of the Appeal Brief filed on 6/26/03, PROSECUTION IS HEREBY REOPENED. Prosecution is reopend because the best prior art was not applied against the claims. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
  - (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 13-15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Swieringa (4874457).

Swieringa is concerned with the creation of a laminate comprising a first layer comprising a corrugated nonwoven web comprising fusible fibers (abstract). Swieringa

Art Unit: 1771

allows for the web to have up to 100% fusible fibers (claim 1, lines 1-2). Swieringa's web is unbonded, corrugated to produce folds, and subsequently bonded throughout (fig. 1). The web is compacted and bonded such that no gaps are present between folds (col. 2, lines 15-17, col. 6, lines 18-20, and col. 7, lines 44-64). The laminate comprises a nonwoven second layer (figs. 10 and 12).

The corrugations can be both uniform and non-uniform in height (figs. 13-16). Swieringa's process involves rotary lapping.

## Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 16-19, 21, and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swieringa (4874457) in view of Huntoon et al (5906879).

Swieringa fails to teach the use of superabsorbent fibers, a method of initially forming the nonwoven web, and applicant's claimed uses. Huntoon is concerned with the creation of a corrugated nonwoven web. As set forth in previous actions, Huntoon teaches the incorporation of superabsorbent fibers into the corrugated web as well as methods for forming the web (cols. 3-4, lines 55-7). It would have been obvious to a person having ordinary skill in the art to utilize superabsorbent fibers and Huntoon's

Art Unit: 1771

method. Such a combination would have been motivated by the desire to impart absorbent functionality to Swieringa's web. Absorbent properties would expand the commercial uses of Swieringa's web to render it suitable for various lucrative industries such as diapers.

Swieringa is silent with respect to the desired end product usage of its web.

Thus, it is necessary to look the prior art for suitable utilities for Swieringa's web.

Huntoon teaches applicant's claimed uses (col. 2, lines 6-10). It would have been obvious to a person having ordinary skill in the art to utilize Swieringa's web in Huntoon's uses. The skilled artisan would have been motivated to utilize Swieringa's web in Huntoon's industry by the desire to achieve commercial success with Swieringa's web.

Swieringa does not teach conjugate fibers. Huntoon teaches the use of conjugate binder fibers (col. 4, lines 9-20). It would have been obvious to a person having ordinary skill in the art to utilize conjugate fibers in the web of Swieringa. Such a modification would have been motivated by the desire to provide uniform bonds while creating a lofty nonwoven web that is soft, but strong and has a high level of resiliency (col. 4, lines 37-39).

With respect to claim 24, Swieringa teaches the corrugated web positioned transversely to other nonwovens (fig. 12). It would have been obvious to align the web in a transverse direction in the final absorbent product. Such a modification would have been motivated by the desire to optimize the absorbent properties of the web by

Application/Control Number: 09/652,607 Page 5

Art Unit: 1771

creating channels in the fabric to facilitate the transport of fluids (col. 6, lines 17-21 of Huntoon).

6. Claim 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swieringa (4874457) in view of either Chen et al (5865824), Buck et al (4263363), or Hartwell (3881489).

Swieringa is silent with respect to void volume. Chen, Buck, and Hartwell are all concerned with the creation of creped nonwoven webs having high void volume (col. 3, lines 15-18, col. 5, lines 30-35, and abstract, respectively). The web of Swieringa may inherently have a void volume above 53, because creped webs are inherently high in void volume. However, if not, it would have been obvious to a person having ordinary skill in the art to increase the void volume of Swieringa's web. Such a modification would have been motivated by the desire to improve the fluid handling capabilities of the web.

Swieringa teaches the web to be perpendicularly oriented (fig. 12).

#### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

Application/Control Number: 09/652,607 Page 6

Art Unit: 1771

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Christopher C. Pratt October 20, 2003

TERREL MOHRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700